

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	:	
	:	
Plaintiff,	:	Civil Action No. 2:19-cv-01242-DSC
	:	
v.	:	
	:	
CENTER ONE, LLC	:	
	:	
Defendant.	:	
	:	

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**DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

AND NOW, comes Defendant, Center One, LLC, by and through the undersigned counsel, and files the within Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), and in support thereof, avers as follows:

1. On September 27, 2019, Plaintiff filed a Complaint in Civil Action against Defendant Center One, LLC, asserting claims of discrimination on the basis of religion in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* ("Title VII").

*See generally*, Doc. No. 1.

2. The Complaint alleges that Defendant failed to accommodate a sincerely held religious belief that conflicted with a job requirement of the Defendant, resulting in Mr. Ford's constructive discharge. *Id.*

3. Defendant now timely files the within motion to dismiss Plaintiff's Complaint for failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6). Defendant's Brief in Support of its Motion to Dismiss is incorporated herein by reference.

WHEREFORE, Defendant Center One, LLC respectfully requests that the Court enter an Order, substantially in the form appended hereto, dismissing the Complaint in its entirety, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

Respectfully submitted,

**MARGOLIS EDELSTEIN**

BY: /s/ Emily E. Mahler  
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*Counsel for Defendant  
Center One, LLC*

**CERTIFICATE OF SERVICE**

I, Emily E. Mahler, Esquire, hereby certify that a true and correct copy of the within Motion to Dismiss has been served upon the following individuals via Notice of Electronic Filing, this 5th day of December, 2019:

Gregory A. Murray  
U.S. Equal Employment Opportunity Commission  
Pittsburgh Area Office  
William S. Moorhead Federal Building  
1000 Liberty Avenue  
Suite 1112  
Pittsburgh, PA 15222  
*Counsel for Plaintiff*

Ronald L. Phillips  
U.S. Equal Employment Opportunity Commission  
Baltimore Field Office  
City Crescent Building, 3rd Floor  
10 S. Howard Street  
Baltimore, MD 21201  
*Counsel for Plaintiff*

MARGOLIS EDELSTEIN

BY: /s/ Emily E. Mahler  
Emily E. Mahler, Esquire  
*Counsel for Defendant*  
*Center One, LLC*